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1 - At Texas fertilizer plant, a history of theft, tampering

Reuters, 05/03/2013

<http://in.reuters.com/article/2013/05/03/usa-explosion-texas-idINDEF94202O20130503>

The Texas fertilizer plant that exploded two weeks ago, killing 14 people and injuring about 200, was a repeat target of theft by intruders who tampered with tanks and caused the release of toxic chemicals, police records reviewed by Reuters show

2 - Red River water condition gets mixed grades

The Alexandria Daily Town Talk, 05/03/2013

<http://www.thetowntalk.com/article/20130503/LIFESTYLE/305030008/Red-River-water-condition-gets-mixed-grades>

Whether or not Red River is a pure stream of water running to the Mississippi depends on whom you ask. If you talk to the Louisiana Department of Environmental Quality or the U.S. Geological Survey, it's doing pretty well as far as U.S. rivers go, with less siltation, only a touch of salinity and not much in the way of pollutants or harmful bacteria.

3 - EPA Proposes PM SIP Deadline Decree

Inside EPA Weekly Report, 05/03/2013

<http://insideepa.com/EPA-Blog/The-Inside-Story/menu-id-97.html#item1>

EPA is floating a settlement with environmentalists to resolve their suit faulting the agency for failing to decide by Clean Air Act-mandated deadlines on whether eight states' plans for meeting the 2006 fine particulate matter (PM2.5) air standard are adequate, with the proposed decree requiring final agency action on the plans by June 13.

4 - Democrats' Plant Safety Inquiries Seen Driving EPA Regulatory Changes

Inside EPA Weekly Report, 05/02/2013

<http://insideepa.com/EPA-Blog/The-Inside-Story/menu-id-97.html#item1>

Key House Democrats are urging President Obama to convene a blue ribbon panel to provide advice on ways to strengthen oversight of high-risk chemical facilities due to inadequate oversight by the Department of Homeland Security (DHS), an effort that could bolster environmentalists' efforts to expand EPA oversight of the facilities.

5 - EPA's McCarthy Set For Senate Environment Panel Vote

Inside EPA Weekly Report, 05/02/2013

<http://insideepa.com/EPA-Blog/The-Inside-Story/menu-id-97.html#item1>

Sen. Barbara Boxer (D-CA), chair of the environment committee, says her panel will vote May 9 on EPA air chief Gina McCarthy's nomination to be the next agency administrator, despite calls from GOP committee members to delay a vote until McCarthy addresses their push for agreements on new EPA "transparency" measures

6 - Environmental groups sue EPA over refinery emissions

The Houston Chronicle, 05/02/2013

<http://www.chron.com/news/houston-texas/houston/article/Environmental-groups-sue-EPA-over-refinery-4484297.php>

Environmentalists have filed a lawsuit to force federal regulators to review the way they calculate emissions from petrochemical plants, oil refineries and other large industrial facilities.

7 - Senate Passes Fracking Wastewater Pipelines Bill

State Impact Texas, 05/02/2013

<http://stateimpact.npr.org/texas/2013/05/02/senate-vote-on-fracking-wastewater-pipelines-drawing-near/>

SB 514, introduced by state Sen. Wendy Davis, D- Fort Worth, would expand the use of pipelines to transport oil and gas waste to disposal wells. The bill was designed to ease the strain tanker trucks transporting waste can cause on some roads.

8 - Exxon pipeline in watershed prompts meeting — Exxon a no-show

Arkansas Times, 05/02/2013

<http://www.arktimes.com/ArkansasBlog/archives/2013/05/02/exxon-pipeline-in-watershed-prompts-meeting-exxon-a-no-show>

Government officials and others came together today in Little Rock to discuss the ExxonMobil Pegasus pipeline, currently shut down on account of the Mayflower rupture, which runs through 13 miles of the Lake Maumelle watershed.

9 - Sinkhole bills approved by Louisiana House

New Orleans Times-Picayune, 05/02/2013

http://www.nola.com/politics/index.ssf/2013/05/sinkhole_bills_approved_by_lou.html

The Louisiana House backed two bills Thursday (May 2) aimed at tightening restrictions around the state's salt domes and solution-mined caverns used to store hydrocarbons or hewn for salt in brine production.

10 - Study Finds No Single Cause of Honeybee Deaths

The New York Times, 05/02/2013

http://www.nytimes.com/2013/05/03/science/earth/government-study-cites-mix-of-factors-in-death-of-honeybees.html?_r=2&adxnnl=1&fb_source=message&adxnnlx=1367589947-Q6iHx1zPngFZINoOOneX3w

The devastation of American honeybee colonies is the result of a complex stew of factors, including pesticides, parasites, poor nutrition and a lack of genetic diversity, according to a comprehensive federal study published on Thursday. The problems affect pollination of American agricultural products worth tens of billions of dollars a year.

11 - Court to Hear Two Lawsuits Challenging Revisions to State Implementation Plans

Daily Environment Report, 05/03/2013

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=30893499&vname=denotallissues&jd=a0d8d0y3e5&splitt=0

A federal appeals court will hear oral arguments in two lawsuits May 7 challenging the Environmental Protection Agency's authority to require states to update their air pollution plans to include greenhouse gas permitting provisions (Texas v. EPA, D.C. Cir., No. 10-1425, oral arguments 5/7/13; Utility Air Regulatory Group v. EPA, D.C. Cir., No. 11-1037, oral arguments 5/7/13).

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EXCLUSIVE - At Texas fertilizer plant, a history of theft, tampering

10:45am IST

By Selam Gebrekidan and Joshua Schneyer

NEW YORK (Reuters) - The Texas fertilizer plant that exploded two weeks ago, killing 14 people and injuring about 200, was a repeat target of theft by intruders who tampered with tanks and caused the release of toxic chemicals, police records reviewed by Reuters show.

Police responded to at least 11 reports of burglaries and five separate ammonia leaks at West Fertilizer Co over the past 12 years, according to 911 dispatch logs and criminal offense reports Reuters obtained from the McLennan County Sheriff's office in Waco, Texas through an Open Records Request.

Some of the leaks, including one reported in October 2012, were linked to theft or interference with tank valves.

According to one 2002 crime report, a plant manager told police that intruders were stealing four to five gallons of anhydrous ammonia every three days. The liquid gas can be used to cook methamphetamine, the addictive and illicit stimulant.

In rural areas across the United States, the thriving meth trade has turned storage facilities like West Fertilizer Co and even unattended tanks in farm fields into frequent targets of theft, according to several government and fertilizer industry reports issued over the past 13 years.

The cause of the April 17 blast at the plant in the town of West is still being probed, and investigators have offered no evidence that security breaches contributed to the deadly incident. There also is no indication that the explosion had anything to do with the theft of materials for drug making. Anhydrous ammonia has been ruled out as a cause because the four storage tanks remained intact after the blast, said Rachel Moreno, a spokeswoman for the Texas Fire Marshal's Office.

MANY LEADS

Investigators are pursuing about 100 leads, including a call to an arson hotline and a tip that there had been a fire on the property earlier on the day of the explosion, according to Moreno. Authorities have not said whether either tip was credible. About 80 investigators from various state and federal agencies are contributing to the probe. They hope to determine by May 10 what caused the explosion, Texas Fire Marshal Chris Connealy said at a state legislative hearing on Wednesday.

A spokesman for the U.S. Department of Homeland Security (DHS), one of several state and federal agencies that monitor security at chemical plants, declined to answer questions about the breaches of security at West Fertilizer Co. State investigators also declined to comment.

Thefts of anhydrous ammonia are common in McLennan County, where burglars siphon fertilizer from trailer tanks into five-gallon propane containers, said McLennan County Chief Deputy Sheriff Matt Cawthon, who took up the position in January.

After reviewing crime reports from the past 12 years and speaking to deputies who responded to some of the break-ins, Cawthon said security was clearly lax at the plant.

The perimeter was not fenced, and the facility had no burglar alarms or security guards, he said. "It was a hometown-like situation. Everybody trusts everybody."

Chemical safety experts said the recurrent security breaches at West Fertilizer are troubling because they suggest vulnerability to theft, leaks, fires or explosions. Apart from anhydrous ammonia, the company stored tons of ammonium nitrate, a fertilizer that can be used in bomb-making. No thefts of that substance were reported to police.

"Regardless of what triggered this specific event, the fact that there were lots of burglaries and that they were after ammonia clearly shows this plant was vulnerable to unwanted intruders or even a terrorist attack," said Sam Mannan, a chemical process safety expert at Texas A&M University, who has advised Dow Chemical (DOW.N: [Quote](#), [Profile](#), [Research](#)) and others on chemical security.



NEW LAW

Owners of West Fertilizer, responding through a representative, declined to answer questions about specific instances of theft or the level of security at the plant. The company has encouraged its employees to share "all they know" with investigators, said Daniel Keeney, a spokesman for the company.

The current owners of West Fertilizer are Donald Adair, 83, and Wanda Adair, 78, who bought it in 2004. Calls to a number listed for previous owner Emil Plasek were not returned.

In a 2006 permit application with the Texas Commission on Environmental Quality (TCEQ), the company reported it would protect ammonia tanks against theft or tampering and conduct daily equipment inspections. A TCEQ spokesman would not comment about security measures. He said the agency's responsibility is to regulate emissions from the plant, not to oversee security.

Documents from the Texas Department of State Health Services show the West plant was storing 540,000 pounds of ammonium nitrate and 54,000 pounds of anhydrous ammonia in 2012. Ammonium nitrate was among the ingredients in the bomb used by Timothy McVeigh to blow up the Oklahoma City federal building in 1995, killing 168 people.

After that bombing, Congress passed a law requiring facilities that store large amounts of the chemical to report to the DHS and work with the agency to ensure proper security measures are in place to keep it out of criminal hands and protect against such attacks.

West Fertilizer did not report to DHS, despite storing hundreds of times more ammonium nitrate than the amount that would require it do so. Depending on the grade of the chemical, companies are required to report if they store at least 400 pounds or 2,000 pounds of ammonium nitrate.

A 2005 U.S. Centers for Disease Control and Prevention (CDC) study identified hundreds of cases in 16 states where anhydrous ammonia was stolen for use in meth production. Some illegal labs mix anhydrous ammonia with ephedrine or pseudoephedrine and sodium or lithium to make methamphetamine, the U.S. Department of Justice reported in 2001.

In dozens of instances, the CDC said, the thefts by meth makers siphoning ammonia from tanks caused injuries or forced evacuations because gas was released into the environment. However, cases of ammonia theft have become less frequent since 2006, when new laws restricted the sale of pseudoephedrine, which is found in some common cold drug remedies, according to The Fertilizer Institute, an industry association.

Police records show West Fertilizer began complaining of repeated thefts from the facility in June 2001, when burglars stole 150 pounds of anhydrous ammonia from storage tanks three nights in a row. Nearly a year later, a plant manager told police that thieves were siphoning four-to-five gallons of the liquefied fertilizer every three days.

Randy Plemons, who was chief deputy sheriff during the years when the thefts occurred, declined to discuss specifics of his agency's response to the repeated break-ins.

"Whenever we were notified of the burglaries and thefts we responded to those," he said. "I can't speak to every offense."

Company owners downplayed security risks in documents submitted to the Texas Commission on Environmental Quality in 2006, saying thefts had dropped to zero over the preceding 20 months as meth makers now had found a substitute for anhydrous ammonia available at garden nurseries or major retailers.

VERY STRONG ODOR

Yet burglars and trespassers continued to target the facility. Following a series of break-ins in late 2008 and early 2009, including one where a trespasser visited pornographic websites on a secretary's computer, police told plant manager Ted Uptmore - who has worked at the company for decades -- to install a surveillance system. Later documents show the company complied. Uptmore did not respond to phone calls seeking comment for this story.

The last record of tampering was in October 2012, when a 911 caller reported an odor "so strong it can burn your eyes." The firm dispatched Cody Dragoo, an employee often sent after hours to shut leaking valves and look into break-ins. That night, he shut off the valve but reported it had been tampered with.

Two weeks ago, Dragoo, 50, was among those killed in the blast while responding to the fire. (Editing By Janet Roberts, Martin Howell)

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Red River water condition gets mixed grades

Written by John Andrew Prime Louisiana Gannett

May. 02

thetowntalk.com

Whether or not Red River is a pure stream of water running to the Mississippi depends on whom you ask.

If you talk to the Louisiana Department of Environmental Quality or the U.S. Geological Survey, it's doing pretty well as far as U.S. rivers go, with less siltation, only a touch of salinity and not much in the way of pollutants or harmful bacteria.

"I would say overall the water quality on the Red is good," says Ben McGee, supervisory hydrologist with the U.S. Geological Survey in Ruston. "I would say it's holding steady."

"Currently, the Red River has no impairments," says Ronnie Kay, an environmental scientist with the Louisiana Department of Environmental Quality who has collected and studied river water samples monthly for 20 years. The samples look at water bacteria and contaminant levels and for traces of discharge from the municipal water treatment plants, power plants, paper mills and other industries that discharge into the river, "and all of those are in compliance," he said. Red River "is safe to swim in. It is safe to boat in and it is of high quality for fish to live in."

But if you ask people who stage cleanups and eye the banks of its many tributaries, it needs help.

"It's a cesspool," says Adam Willard, who heads the Red River Cleanup, with annually brings out river boosters to pick up styrofoam, plastic bottles and other debris that clogs the river's tributaries. "I have ridden with the sheriff's marine division up Twelve Mile Bayou and Cross Bayou and can show you places where guys dump illegal trash into the bayous that eventually gets into the river, where black substances are boiling up out of the ground... We've found meth labs on the banks. It's horrendous. Just how people treat it, eventually it's going to die. I don't see how anyone can say it's in good shape."

Ken Guidry with the Red River Waterway Commission said "my understanding is the (U.S. Army) Corps (of Engineers) has made sufficient inroads into point source pollution," referring to natural sources of salt -- salinity -- in Texas and Arkansas. "Other than that we are not aware of any pollution sources that impact the river."

McGee said "the biggest change to the water quality in the Red River has come from the construction of locks and dams. That changed the hydrology of the river from a free-flowing to a controlled system. There really was a large beneficial impact, from the water quality standpoint, of having the locks and dams in place. The silt and the suspended sediments in the river really dropped out when the locks and dams were put into place. That had a pretty profound impact at least on bacteria. Bacteria use that as a transportation mechanism. Bacteria counts went down dramatically after the locks and dams were put into place."

Benton boater James Rose gets out several times a month, more often in the winter, to fish and duck hunt on the river.

"The main channel of the river is fairly clean, but when you get into the backwater areas you see a lot of trash," he said. "People bank fish and throw stuff into the water, but as for the main river itself, it's fairly clean."

Friends Tim Caldwell and Ross Whitaker, about to launch from the Teague Parkway ramp for an afternoon

excursion, also showed the mix of thoughts on the river and its health.

What you see is “not man-made trash, but stuff like limbs and stumps, things like that,” Whitaker said.

“They need to spend some money and clean it up,” says Marte Foster, who walks her dog along the river frequently. “I’ve seen trash, old things that have been out there here and sunk, even old car parts. They need to clean it up.”

Friend Porscha Fields, who also walks her pooch along the river, had mixed feelings.

“It’s not too too bad,” she said. “I’ve lived here all my life. I think the river’s all right. But some parts tend to be a little nasty.”



The Inside Story

EPA Proposes PM SIP Deadline Decree

Posted: May 3, 2013

EPA is floating a settlement with environmentalists to resolve their suit faulting the agency for failing to decide by Clean Air Act-mandated deadlines on whether eight states' plans for meeting the 2006 fine particulate matter (PM2.5) air standard are adequate, with the proposed decree requiring final agency action on the plans by June 13.

Under the [proposed consent decree](#), filed March 26 in the U.S. District Court for the District of Columbia, EPA would be required to approve or disapprove, in whole or in part, state implementation plans (SIPs) -- blueprints for compliance with the Clean Air Act -- submitted by Colorado, Kansas, Missouri, Montana, New Jersey, New York, North Dakota and Utah in relation to the 2006 PM2.5 national ambient air quality standard (NAAQS).

Before the court can enter the proposed consent decree as final, EPA must take public comment on it. The agency published the decree in the [May 3 Federal Register](#) and is taking comment through June 3.

Sierra Club [originally sued EPA](#) March 2, 2012, for its failure to make timely final determinations on a number of SIPs detailing how the states planned to meet the 2006 PM2.5 NAAQS.

Through the lawsuit, later amended in April and May 2012, the Sierra Club claimed EPA had failed to make final determinations on the eight states' SIPs by its statutory deadline of Oct. 12, 2011.

EPA and environmentalists began settlement talks in May 2012, according to court documents, and filed the consent decree with the court in March. The consent decree specifically excludes some requirements of the Clean Air Act, including the section of statute related to interstate transport of pollution, noting that the U.S. Court of Appeals for the District of Columbia Circuit in August 2012 vacated a final rule issued by EPA in *EME Homer City Generation v. EPA*.

Meanwhile, in Arizona, [a public interest law firm has sued EPA](#) for its alleged failure to act on a state nonattainment area plan for the Maricopa County coarse particulate matter (PM10) NAAQS nonattainment area.

The Arizona Center for Law in the Public Interest filed the lawsuit, *Sandra L. Bar and David Matusow v. EPA*, on April 30, saying EPA had failed to take final action approving a revised plan submitted by the state of Arizona for bringing the area into attainment with the PM10 NAAQS, despite a statutory requirement for EPA to issue a federal implementation plan taking over authority from the state by Feb. 14.

The lawsuit asks the district court to require EPA to perform its mandatory duty to issue a FIP.

Democrats Seek Plant Security Panel

Posted: May 2, 2013

Key House Democrats are urging President Obama to convene a blue ribbon panel to provide advice on ways to strengthen oversight of high-risk chemical facilities due to inadequate oversight by the Department of Homeland Security (DHS), an effort that could bolster environmentalists' efforts to expand EPA oversight of the facilities.

In a [May 2 letter](#) to Obama, Reps. Henry Waxman (D-CA), the ranking Democrat on the Energy and Commerce Committee, and Bennie Thompson (D-MS), the lead Democrat on the Homeland Security Committee, call on Obama to create a Blue Ribbon Commission so experts can "take a fresh look" at chemical security and offer recommendations to address any problems that may have been demonstrated by the fatal explosion at a Texas fertilizer plant last month.

"We ask you to consider steps that can be taken in response to the explosion to reduce the security risks of chemical plants, refineries, water treatment facilities, and other facilities holding large stores of industrial chemicals," they say.

EPA oversees safety at industrial plants through its Risk Management Plan (RMP) program which requires some 13,000 facilities that produce, handle, process, distribute or store certain chemicals to craft plans on reducing risks from accidental chemical releases. The program is authorized by section 112 (r) of the Clean Air Act.

At the same time, DHS regulates security at chemical plants through its Chemical Facility Anti-Terrorism Standards (CFATS) program, which is intended to prevent chemical exposure risks due to possible terrorist attacks.

But environmentalists are pushing EPA to use its air act authority to provide additional safety and security at plants by mandating measures known as inherently safer technologies (IST) -- product or process changes that many say would reduce the consequences of an attack.

In their letter to Obama, Waxman and Thompson cite recent government investigations faulting the effectiveness of CFATS, and also say House Republicans have failed to reform the program that leaves workers and people who live near chemical facilities vulnerable.

The letter from Waxman and Thompson is one of a series of recent calls from Democrats seeking investigations, reviews and possibly increased federal oversight after the fertilizer plant explosion in West, TX, that killed 15 people, including several first responders, and wounded 200 others.

The explosion is believed to have been caused by large quantities of the fertilizer ammonium nitrate, according to the Texas Commission on Environmental Quality and published reports. The plant was located near a school and a nursing home, which environmentalists have said is also a problem that should be addressed.

Sen. Barbara Boxer (D-CA) sent an April 30 letter to EPA's Acting Administrator Bob Perciasepe asking a series of questions about the agency's implementation of its RMP program and whether current law is strict enough to address potential risks.

"I want to ensure that a comprehensive investigation is completed by EPA so that the causes of this terrible tragedy are clearly identified and so that this type of disaster is prevented from happening in the future," she said.

Boxer's investigation mirrors a similar review that Rep. George Miller (D-CA), the senior Democratic member on the House Education and the Workforce Committee, is asking the Government Accountability Office to conduct on facility safety programs run by EPA and the Occupational Safety & Health Administration.

EPA's McCarthy Set For Senate Environment Panel Vote

Posted: May 2, 2013

Sen. Barbara Boxer (D-CA), chair of the environment committee, says her panel will vote May 9 on EPA air chief Gina McCarthy's nomination to be the next agency administrator, despite calls from GOP committee members to delay a vote until McCarthy addresses their push for agreements on new EPA "transparency" measures.

"Gina McCarthy is a strong, bipartisan candidate and is the right person for the job at this critical time," said Boxer in a May 2 press release announcing the upcoming Senate & Environment Public Works (EPW) Committee vote. "The EPW Committee's business meeting is an important step forward in the confirmation process," Boxer said. If McCarthy clears the panel she must win a majority vote in the Senate before officially becoming the administrator.

The announcement comes a week after the committee's Republicans, led by ranking member David Vitter (LA), sent [a letter to Boxer](#) saying EPA has failed to respond to four of five questions it asked on how the agency would address their concerns about a lack of "transparency" questions, and given only a partial response to the fifth.

"Before scheduling a vote, it is crucial that we receive the outstanding answers from both the nominee and the Agency," the Republicans said -- though Boxer is pushing ahead with the vote.

"So far, EPA's response to the Committee Republicans' transparency requests has been inadequate. But I remain hopeful that that will improve over the next week," said Vitter in a May 2 statement to *Inside EPA*. "We'll see how much EPA is willing to supplement in the next week, and that will determine how Republican members handle the scheduled mark-up."

Even if McCarthy receives a favorable vote from the committee, the nomination may still be unable to proceed to the full Senate, as Sen. Roy Blunt (R-MO) is vowing to indefinitely continue his hold on the candidate.

Blunt's hold is not over any stated issue he has with McCarthy's qualifications, and instead is in place until the Obama administration announces a "concrete" timeline for completing its long-delayed environmental review of a flood control project in Missouri, but during a recent appropriations hearing he told acting EPA Administrator Bob Perciasepe that there has been "no outreach from EPA in our office, at all" toward resolving the problem.

Top Senate Republican Mitch McConnell (R-KY) has also outlined major concerns over confirming the candidate, saying in an April 9 press release that "If confirmed as Administrator, I am concerned that Gina McCarthy would continue to foster this administration's radical environmental and anti-coal jobs agenda."

EPA Poised To Issue Revised Methanol Analysis

Posted: May 2, 2013

EPA is poised to release its third draft analysis of the noncancer risks posed by exposure to methanol, the substance widely used in the production of alternative fuels, paints, plastics, solvents and textiles, a document that will revise the agency's prior draft risk estimates in response to criticism from peer reviewers.

"The current draft toxicological review . . . has been revised in response to the peer review and public comments received on the [prior] external review draft," EPA says in a [Federal Register notice](#) slated for publication May 3. The notice announces the availability of a draft Integrated Risk Information System (IRIS) assessment of methanol, opens a 45-day comment period and announces an abbreviated peer review.

IRIS staff have sought to re-assess the chemical's risks since 2002. The agency's existing assessment of methanol's human health risks was published in the IRIS database in 1993.

EPA's prior draft assessment, issued in April 2011, proposed strengthening the reference dose (RfD), or maximum amount of a substance EPA estimates can be ingested daily over a lifetime without adverse health effect, to 0.4 milligrams per kilogram body weight per day (mg/kg-day) from its previous 1993 estimate of 0.5 mg/kg-day. The draft also proposed a strict, first-time reference concentration (RfC), or the maximum amount EPA estimates can be inhaled daily over a lifetime without adverse developmental effects.

But methanol and other industry representatives [strongly criticized](#) EPA's draft, warning that if finalized, it would drive costly new regulations. Industry groups have frequently argued that EPA's proposed RfD would be set at a level that is lower than the amount of methanol that is naturally occurring in a glass of orange juice, meaning it would suggest that a large portion of the population would be at risk of development effects.

The prior draft assessment also [drew concerns](#) from most members of the peer review panel that considered the document in July 2011. In an unusual move, the agency asked the panelists whether the RfD estimates were "more conservative than they need to be to protect public health?"

Five of the seven reviewers described concern about the usefulness or reliability of EPA's proposed RfC or RfD. "The process of developing these RfC and RfD values has produced a result that is counter-intuitive, implying that individuals with no unusual methanol exposure may be at risk of developmental effects," wrote one of the reviewers, Stephen Roberts, a professor at the University of Florida. "That's implausible, and clearly signals the need to re-evaluate how to consider background methanol concentrations in the development of credible toxicity values."

The new notice indicates that EPA plans to bring back as many of the same seven peer reviewers as possible to consider the latest draft of the assessment, suggesting that the agency has altered the reference values.

"EPA will also schedule a follow-up external letter peer review of the draft toxicological review of methanol . . . To the extent possible, the Agency intends the follow-up peer review to be conducted by the same experts that served on the July 22, 2011, peer review panel. . . . The peer reviewers will be asked whether EPA adequately responded to the comments from the July 22, 2011, peer review panel."

The agency is also working on a separate assessment of methanol's cancer risks but that effort is on a slower path than the non-cancer assessment after EPA has been [forced to re-write](#) its cancer assessment because the earlier draft relied on toxicology data from the Ramazzini Institute, an Italian research laboratory that was later found to have some unreliable study results.

Environmental groups sue EPA over refinery emissions

4 environmental groups say agency is 'dragging its feet' on air pollution

By Matthew Tresaugue | May 2, 2013 | Updated: May 2, 2013 11:13pm

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Environmentalists have filed a lawsuit to force federal regulators to review the way they calculate emissions from polluting plants, refineries and other large industrial facilities.

In the suit filed on Thursday, **Air Alliance** Houston and three other groups accuse the **U.S. Environmental Protection Agency** of using outdated and inaccurate formulas to estimate levels of air pollution.

The groups say studies show that actual smog-forming emissions can be 132 times greater than **EPA** estimates, which are based on data provided by the industry. The agency, as a result, does not possess reliable data to protect public health, according to the suit filed in U.S. District Court for the District of Columbia.

"The EPA has a history of dragging its feet on this issue," said **Jennifer Duggan**, an attorney for the Environmental Integrity Project, a legal group representing Air Alliance Houston and the other organizations in the case. "It has been aware of these inaccuracies for some time."

An EPA spokeswoman said the agency is reviewing the suit but would not provide additional comment.

The lawsuit comes five years after the city of Houston raised similar issues with the federal agency, which uses the emissions data to develop pollution controls, establish limits and guide enforcement.

In response, the agency acknowledged flaws in its formulas and promised to make changes.

No formula review

But the EPA has not conducted a review of the formulas used to estimate emissions from flares, wastewater treatment systems and storage tanks at chemical plants and oil refineries, the suit contends.

Flares, which burn off pressurized gases during startups, shutdowns and equipment malfunctions, are of particular concern because the EPA relies on a 30-year-old study to calculate their emissions.

The lawsuit says the formula overestimates the flares' operating efficiency and thus underestimates the emissions of benzene, 1,3-butadiene and other toxic chemicals.

'A last resort'

Federal law requires the EPA to review and revise, if necessary, the formulas every three years.

"We must know what is in our air if we are going to clean it up and protect public health," said **Adrian Shelley**, executive director of Air Alliance Houston. "We have filed this complaint as a last resort, and only because EPA has ignored repeated requests to address the problem."

Air Alliance Houston is joined in the suit by Texas Environmental Justice Advocacy Services, an East Harris County group; Port Arthur's Community In-Power and Development Association; and the Louisiana Bucket Brigade.



Senate Passes Fracking Wastewater Pipelines Bill

MAY 2, 2013 | 10:23 AM

BY [OLIVIA GORDON](#)

Update: The Senate unanimously approved SB 514 from the floor this afternoon, according to a representative from Sen. Davis' office.

Original Story: A bill that would reform how fracking wastewater moves to disposal wells could pass through the state Senate today.

SB 514, introduced by [state Sen. Wendy Davis, D- Fort Worth](#), would expand the use of pipelines to transport oil and gas waste to [disposal wells](#). The bill was designed to ease the strain tanker trucks transporting waste can cause on some roads.

In the drilling process known as hydraulic fracturing, or "[fracking](#)," millions of gallons of water (along with sand and chemicals) are sent deep underground to break up oil and gas deposits trapped in rock. Some of that fluid comes back up, along with high-salinity water also trapped in those formations. Since it is too dirty to drink, drillers often dispose of it by [sending it back underground in a disposal well](#).

The bill received widespread support in its public hearing in the [Texas Senate Natural Resources Committee](#) in April. Representatives from oil companies, environmental groups and energy interests [expressed support](#) for the bill. Today it's likely to be heard on the Senate floor.

Sen. Davis' office says [using more pipelines instead of trucks](#) to transport wastewater will save local and state governments money by reducing road damage and maintenance. For drillers, it will mean less transportation expenses, her office said, and it will also result in less air and noise pollution and truck traffic.

The issue of increased truck traffic is perhaps the biggest complaint for locals living in drilling communities in the midst of the current fracking boom. A report by the Texas Department of Transportation (TxDOT) found that the trucks needed to drill just one well is like adding the [traffic of 8 million normal cars](#) to a road, then 2 million cars after that annually to maintain the well. That has put a strain on roads not designed for heavy truck traffic, and it's also led to more accidents. In the Eagle Ford region of South Texas, according to numbers data from TxDOT, traffic fatalities were up 40 percent in 2012 from the previous year. Since many of those trucks are carrying drilling wastewater, pipelines



PHOTO BY JENNIFER WHITNEY/TEXAS TRIBUNE

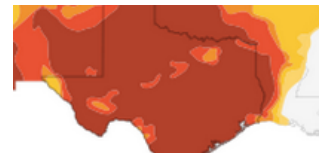
Each day, dozens of trucks hook up to the Gulf Coast-run fracking fluid disposal well site near Gonzales, TX. A new bill would make it easier to transfer the wastewater by pipeline instead of by truck, potentially reducing roadway damage.

ABOUT STATEIMPACT TEXAS

StateImpact Texas is a collaboration of local public radio stations [KUT Austin](#), [KUHF Houston](#) and [NPR](#). Reporters [Mose Buchele](#), [Terrence Henry](#) and [Dave Fehling](#) travel the state to report on how energy and environmental issues affect you. Read their reports and listen to them on NPR member stations.

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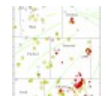
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could help mitigate the problem.

The Senate put the bill on its “intent calendar” for this week, which means it is prioritized to receive a hearing on the Senate floor. Sen. Davis’ office expects the bill to be heard Thursday.

Olivia Gordon is a reporting intern with StateImpact Texas.

[With Fate of Water Plan in Limbo, House Committee Pushes Smaller Water Bills](#)



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Rachel Baker Ford • 18 hours ago

Question: The waste water is more than just high saline content. It is so highly polluted it cannot be reclaimed, cleaned, desalinated, fixed, etc. It is pumped into the containment wells because there is nowhere else to put it. To where are these pipelines going to take the poisonous liquid? The Gulf? The Rivers? Lakes?

^ | ▾ Reply Share ›

Research Geoscientist Rachel Baker Ford • 2 hours ago

The pipelines would take the water from areas of oil and gas activity to the disposal wells. The pipeline is not replacing these disposal wells, it's simply being used in place of trucks to deliver the water to the wells. However, regarding your comment that the water cannot be reclaimed/desalinated/etc., in Pennsylvania 72% of all wastewater generated by oil and gas operators is now recycled (Maloney & Yoxtheimer, 2012). Unfortunately, recycling is not as ubiquitous in Texas; I'm not sure why.

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ENVIRONMENT Exxon pipeline in watershed prompts meeting — Exxon a no-show

Posted by Max Brantley on Thu, May 2, 2013 at 4:00 PM

Government officials and others came together today in Little Rock to discuss the ExxonMobil Pegasus pipeline, currently shut down on account of the Mayflower rupture, which runs through 13 miles of the Lake Maumelle watershed. It runs for 15.5 miles between shutoff valves through the land from which Central Arkansas gets virtually all its water supply.

Nobody from ExxonMobil attended, however.

A break like that which occurred in Mayflower, with spillage of some 5,000 barrels of oil, would produce exponential damage to the watershed. One of the two shutoff valves is manually operated, which means it would take longer to reach. The break in Mayflower was followed by a break this week in Missouri, though it caused only a negligible spill of Canadian tar sands crude (which sinks and is not as easily corraled by floating booms on bodies of water) because the pipeline isn't in operation.

You'll notice U.S. Rep. Tim "Pipeline" Griffin, who distributed the photo above, was on hand showing concern and assuring all that ExxonMobil would be meeting with local officials on the watershed later this month. Griffin, one of the leading proponents of the Keystone XL pipeline to carry similar Canadian crude through the Great Plains to Koch family refineries in Texas, has endeavored to distance that project from the Exxon pipeline and assure all that everything will be done to fix things in Arkansas.

Now is the time to make ExxonMobil come to the table. Nobody really believes they'll move the pipeline out of the watershed as Central Arkansas Water and others have asked (though they could, with ample resources and eminent domain power) in part because moving from one watershed merely moves the line to another. But they darn sure could explain why they did an early pipeline inspection (mentioned again at today's meeting), what that internal inspection found, what's the safety factor of the entire length of the 60-year-old line and how quickly the company can install more cutoff valves and more protection of the water in Lake Maumelle. Permission to restart the line is the only chip the public has to get Exxon to do right, and that means more than buying back the nearly two dozen homes in a Mayflower neighborhood soaked deep with oil laced with other dangerous chemicals.

Leslie Peacock was at the meeting and will add a report:

Mayor Mark Stodola reported to the group that Exxon would be able to meet with officials sometime during the week of May 13. He said he'll draft a letter to be signed by him, Pulaski County Judge Buddy Villines, Central Arkansas Water CEO Graham Rich and Griffin demanding to know what steps Exxon will take before the flow of oil in the Pegasus line is started up again and the company's plans to prevent such a leak from happening again.

Stodola was particularly unhappy to learn from Rich that CAW asked Exxon two years ago to install extra valves in the pipeline as it crosses the Maumelle watershed but nothing has happened, and Quorum Court JP Tyler Denton called the situation "a train wreck" waiting to happen. Rich responded that the work wasn't a priority for Exxon; "they don't have the sense of urgency in this 13-mile stretch" that the water utility and officials have. He said Exxon's original records on Maumelle did not even indicate that the lake was a drinking water supply.

Griffin actually raised the Keystone pipeline, saying CAW should look at the Pipeline and Hazardous Materials Safety Administration's 57 safety requirements for Keystone for ideas to protect the Maumelle crossing. Rich said the utility is likely to contract with Jacobs Engineering for technical advice.

Rich outlined short-term safety measures it would like Exxon to take — including burying exposed pipe in concrete and adding automatic valves. He also said there needs to be better access to the line, some of which is located in rugged terrain accessible by only "rudimentary" roads. Given how quickly 210,000 gallons spilled from the easily-reached break in the Mayflower neighborhood, an inaccessible spill of 13 miles of Wabasca heavy crude would be catastrophic.

CAW attorney Jim McHaney outlined what legal recourse exists should ExxonMobil decline to work with government officials, including citizens suits under the Pipeline Safety Act, the Safe Drinking Water Act or the National Environmental Policy Act, or asking the federal Environmental Protection Agency to seek an injunction that would halt Exxon from starting the oil flow.

Tags: ExxonMobil pipeline, Mayflower oil spill, Rep. Tim Griffin, Central Arkansas Water, Lake Maumelle, Image



TWITTER/TIM GRIFFIN

WATER WORRIES: Officials confer on ExxonMobil pipeline and threat to Lake Maumelle. Rep. Tim Griffin is shown talking to Mayor Mark Stodola.

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Speaking of...



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Sinkhole bills approved by Louisiana House

[Sheila V Kumar, NOLA.com | The Times-Picayune](#) By [Sheila V Kumar, NOLA.com | The Times-Picayune](#)
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on May 02, 2013 at 11:36 AM, updated May 02, 2013 at 12:52 PM

The Louisiana House backed two bills Thursday (May 2) aimed at tightening restrictions around the state's salt domes and solution-mined caverns used to store hydrocarbons or hewn for salt in brine production.

[House Bills 493](#) and [494](#) by Rep. Karen Gaudet St. Germain, D-Pierre Part, were written in response to a 13-acre sinkhole that first appeared in the swamplands of Assumption Parish last August.

The bills would control the drilling, operations and plugging of the brine and storage caverns that have been drilled into the state's salt domes.

HB493 would require companies looking to drill into salt domes to map out any nearby solution, disposal and storage caverns in relation to the planned wells. The bill also would mandate the caverns be drilled a minimum distance from salt dome's outer walls.

[Experts believe the Bayou Corne sinkhole was formed when the sidewall of a Texas Brine Co., LLC brine cavern collapsed](#) after being drilled too close the edge of the Napoleonville salt dome.

The surface near the dome began filling with water and vegetation and eventually sucked in several acres of swamplands and trees. It has since grown to 13 acres, and 350 residents from the nearby towns of Bayou Corne and Grand Bayou have been under a mandatory evacuation since August 2012. The sinkhole is in St. Germain's district.

St. Germain said she met with residents at a community meeting Wednesday night and while a Blue Ribbon Commission has been formed to evaluate if residents can continue to live in the area, their lives were "still in limbo."

"It has caused a complete landscape change of this beautiful, scenic environment," St. Germain said. "It would be the start of legislation that will address what I hope never happens to you."

Her measure also stipulates operators would have to notify state officials when the wells have been plugged and closed while strengthening requirements that operators have to provide assistance to residents in the event of a sinkhole or other natural disaster related to their well.

St. Germain said constituents have also come to her saying they had no idea there were abandoned

caverns so close to their homes after they were learned 54 caverns have been drilled into the mile-wide salt dome since the 1950s. Three have since been plugged and abandoned.

HB494 would require real-estate agents to disclose whether there are solution-mined caverns underneath or within half a mile of any property that's up for sale. The bill says cavern operators should provide notification of the cavern's proximity to a residence in the mortgage records of the parish where the home is located.

Both bills were passed unopposed by the Louisiana House of Representatives. They now head to the Senate.

To [receive updates](#) on all Louisiana legislative session news from the Capitol in Baton Rouge, [follow @brnola on Twitter](#) or ["Like" the NOLA.com | Baton Rouge Facebook page](#).

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The New York Times

May 2, 2013

Study Finds No Single Cause of Honeybee Deaths

By **JOHN M. BRODER**

WASHINGTON — The devastation of American [honeybee](#) colonies is the result of a complex stew of factors, including pesticides, parasites, poor nutrition and a lack of genetic diversity, according to a comprehensive federal [study](#) published on Thursday. The problems affect pollination of American agricultural products worth tens of billions of dollars a year.

The report does not place more weight on one factor over another, and recommends a range of actions and further research.

Honeybees are used to pollinate hundreds of crops, from almonds to strawberries to soybeans. Since 2006, millions of bees have been [dying](#) in a phenomenon known as colony collapse disorder. The cause or causes have been the subject of much study and speculation.

The federal report appears the same week that European officials took steps toward [banning](#) a class of pesticides known as neonicotinoids, derived from nicotine, that they consider a critical factor in the mass deaths of bees there.

But officials in the United States Department of Agriculture, the [Environmental Protection Agency](#) and others involved in the bee study said that there was not enough evidence to support a ban on one group of pesticides, and that the costs of such action might exceed the benefits.

“At E.P.A. we let science drive the outcome of decision making,” said Jim Jones, the agency’s acting assistant administrator for chemical safety and pollution prevention. “There are non-trivial costs to society if we get this wrong. There are meaningful benefits from these pesticides to farmers and to consumers, as well as for affordable food.”

[May R. Berenbaum](#), head of the department of entomology at the University of Illinois at Urbana-Champaign and a participant in the study, said that examination of [de](#) found residues of more than 100 chemicals, insecticides and pesticides, including [control](#) parasites in bee hives.

Like Mr. Jones, she rejected the idea of an immediate ban on the use of neonic other single pesticide.



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“It’s not a simple matter of just removing pesticides,” she said in a conference call for reporters Thursday. “It is difficult to predict the effect of removing one of 100 different contaminants.”

“There is no quick fix,” she said. “Patching one hole in a boat that leaks everywhere is not going to keep it from sinking.”

One of the most fatal afflictions in bee colonies is the parasitic mite [Varroa destructor](#), which infests beehives and is thought to be responsible for numerous die-offs. Another factor is the planting of vast areas in a single crop like corn, limiting the forage supplies for bees.

Zac Browning, a fourth-generation commercial beekeeper who operates more than 20,000 hives for honey production and pollination in California, Idaho and North Dakota, said the solution to the bee crisis will require a broad approach and many players.

He said that the supply of bees is falling short of the need, citing difficulty rounding up enough bees to pollinate the winter almond crop in California and blueberry bushes in Maine this spring.

“We’re on the brink,” he said. “I don’t know if we’ve crossed that threshold yet, but we’re getting there fast.”

Source: Daily Environment Report: News Archive > 2013 > May > 05/03/2013 > News > Climate Change: Court to Hear Two Lawsuits Challenging Revisions to State Implementation Plans

86 DEN A-4

Climate Change

Court to Hear Two Lawsuits Challenging Revisions to State Implementation Plans



By Andrew Childers

A federal appeals court will hear oral arguments in two lawsuits May 7 challenging the Environmental Protection Agency's authority to require states to update their air pollution plans to include greenhouse gas permitting provisions (*Texas v. EPA*, D.C. Cir., No. 10-1425, *oral arguments* 5/7/13; *Utility Air Regulatory Group v. EPA*, D.C. Cir., No. 11-1037, *oral arguments* 5/7/13).

The U.S. Court of Appeals for the District of Columbia Circuit will hear arguments regarding EPA's authority to take over greenhouse gas permitting for Texas as well as a rule from 2010 that required 13 states to update their state implementation plans to include greenhouse gases in advance of permitting beginning Jan. 2, 2011.

Both lawsuits challenge the limits of EPA's authority under Section 110 of the Clean Air Act to compel states to revise their SIPs.

In its lawsuit, Texas challenged EPA's authority to withdraw its prior approval of a state implementation plan previously deemed acceptable based on shifts in administrative policy such as choosing to define greenhouse gases as air pollutants. Additionally, Texas, Wyoming, and industry trade groups in a separate lawsuit argue EPA violated the Clean Air Act when it failed to give them sufficient time to revise their SIPs to include greenhouse gases.

The arguments will be heard by Judges Judith W. Rogers, David S. Tatel, and Brett M. Kavanaugh.

BN A Snapshot

Texas v. EPA, D.C. Cir., No. 10-1425, *oral arguments* 5/7/13; *Utility Air Regulatory Group v. EPA*, D.C. Cir., No. 11-1037, *oral arguments* 5/7/13

Key Development: The D.C. Circuit will hear arguments May 7 in two lawsuits challenging EPA rules requiring states to update their air pollution implementation plans to include greenhouse gases.

Texas Challenges Permitting Takeover

Texas sued EPA after the agency issued an interim rule in 2010 removing the states's prevention of significant deterioration permitting authority for greenhouse gases followed by a final rule in May 2011 (75 Fed. Reg. 82,430; 76 Fed. Reg. 25,178). The state argues that EPA improperly used its authority under Section 110(k)(6) of the Clean Air Act to retroactively grant only partial approval of the Texas SIP, which had originally been approved in 1992. The plan lacked a provision to automatically incorporate newly regulated pollutants, and it has refused to update its state implementation plan to include greenhouse gases.

The partial approval means EPA is the greenhouse gas permitting authority for the state, while Texas continues to issue prevention of significant deterioration permits for other pollutants, such as sulfur dioxide and nitrogen oxides.

Prevention of significant deterioration requires new and modified industrial sources such as power plants and petroleum refineries to install updated pollution controls known as best available control technology when they expand or make modifications that increase emissions.

Texas argued that EPA's authority under Section 110(k)(6) is limited to correcting technical errors in state implementation plans and not for forcing states to recognize new policy changes by the agency (118 DEN A-3, 6/20/12).

Meanwhile, EPA and environmental groups have argued Texas lacks the standing to challenge the decision to withdraw approval for the SIP because it is not being materially harmed. Taking over the greenhouse gas prevention of significant deterioration process in Texas ensured that industrial

facilities in that state were able to obtain the necessary permits, EPA said (161 DEN A-2, 8/21/12).

2010 SIP Call Challenged

Texas, Wyoming, and some industry trade groups in *Utility Air Regulatory Group v. EPA* filed a separate challenge to a series of EPA regulations that required states to update their implementation plans before greenhouse gas permitting took effect Jan. 2, 2011 (32 DEN A-6, 2/16/11).

In a Dec. 13, 2010, "SIP call" rule, EPA required 13 states, including Texas and Wyoming, to revise their implementation plans to include greenhouse gases. The rule established deadlines for each of the states to make the needed revisions ranging from Dec. 22, 2010, to Dec. 1, 2011 (75 Fed. Reg. 77,698).

Sixteen days later, EPA issued a rule finding that Arizona, Arkansas, Florida, Idaho, Kansas, Oregon, and Wyoming had failed to submit the required revisions to their implementation plans (75 Fed. Reg. 81,874). The agency then issued federal implementation plans Dec. 30, 2010, to cover greenhouse gas permitting in those states (75 Fed. Reg. 82,246).

Greenhouse Gas Emissions at Issue

Texas, Wyoming, and the industry groups argued EPA improperly used its authority under Section 110(k)(5) of the Clean Air Act, which addresses revisions to SIPs to require the states to include greenhouse gas emissions in the permitting provisions of their plans.

That section allows EPA to require states to make revisions if the agency determines the SIPs are "substantially inadequate." It allows EPA to establish "reasonable deadlines (not to exceed 18 months after the date of such notice)" for states to make the required corrections.

The states said EPA improperly applied Section 110(k)(5) because "greenhouse gases were not regulated pollutants when the states' plans were adopted decades ago." Instead, EPA should have required the revisions to be made under Section 110(a), which gives states up to three years to make the necessary corrections, the states said.

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